

MAURICE WILLIAMS,)	
)	
Petitioner,)	
)	
v.)	No. 4:07CV01512 ERW
)	
ELIZABETH HOGAN,)	
)	
Respondent.)	

This matter is before the Court on petitioner’s petition for writ of habeas corpus pursuant to 28 U.S.C. § 2254. Because “it plainly appears from the petition . . . that the petitioner is not entitled to relief,” the Court will dismiss the petition. Rule 4 of the Rules Governing § 2254 Cases.

Before federal habeas relief can be granted, a person in state custody is required to exhaust available state remedies. 28 U.S.C. § 2254(b)(1). In this case, petitioner states that he filed a petition for writ of habeas corpus in state court but that the state court has not yet ruled the petition. As a result, petitioner's available state remedies are not exhausted, and the petition shall be dismissed without prejudice.

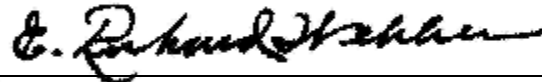
Accordingly,

IT IS HEREBY ORDERED that petitioner's petition for writ of habeas corpus pursuant to 28 U.S.C. § 2254 is **DISMISSED** without prejudice.

IT IS FURTHER ORDERED that the Court will not issue a certificate of appealability.

An Order of Dismissal shall accompany this Memorandum and Order.

So Ordered this 11th Day of September, 2007.

A handwritten signature in black ink, appearing to read "E. Richard Webber", is written above a horizontal line.

E. RICHARD WEBBER
UNITED STATES DISTRICT JUDGE